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PTO/SB/21 (08-00)
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/745,017
Filing Date	December 20, 2000
First Named Inventor	Klaus ZIMMERMANN et al.
Group Art Unit	1655
Examiner Name	E. Shisenant
Attorney Docket Number	37974-0167

Total Number of Pages in This Submission

3

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☐ Amendment / Response
 - ☐ After Final
 - ☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/
Incomplete Application

☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53

☐ Assignment Papers
(for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☒ Power of Attorney, Revocation
Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to
Group

☐ Appeal Communication to Board of
Appeals and Interferences

☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

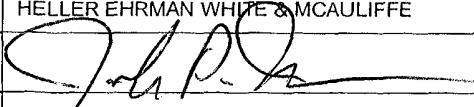
☐ Status Letter

☒ Other Enclosure(s)
(please identify below):

**Response to Restriction
Requirement**

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John P. Isacson, Reg. No. 33,715 HELLER EHRMAN WHITE & MCAULIFFE
Signature	
Date	February 24, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

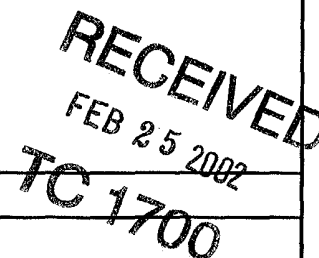
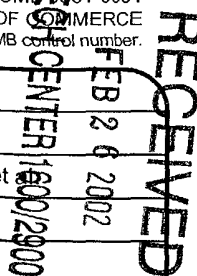
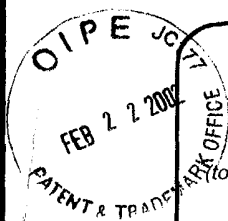
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PTO/SB/17 (10-01)

OFFICE OF THE PATENT AND TRADEMARK OFFICE FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 162

Complete if Known

Application Number 09/745,017
Filing Date December 20, 2000
First Named Inventor Klaus ZIMMERMANN et al.
Examiner Name E. Whisenant
Group / Art Unit 1634
Attorney Docket No. 37974-0167

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METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 08-1641

Deposit Account Name HELLER EHRMAN WHITE & MCAULIFFE

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

Total Claims 29 -20 ** = 9 X 18 = 162
Independent Claims 3 -3 ** = 0 X = 0
Multiple Dependent X = 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 162)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 0)

SUBMITTED BY

Name (Print/Type)

John P. Isayson

Registration No. Attorney/Agent

33,715

Telephone

(202) 912-2000

Signature

[Signature]

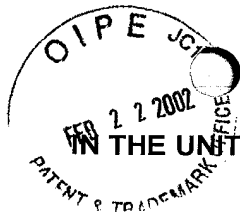
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November 18, 2002

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#7
Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 32974-0163

Applicant(s): Klaus ZIMMERMANN *et al.*

Appl. No.: 09/745,017

Examiner: E. Whisenant

Filing Date: December 20, 2000

Art Unit: 1655

Title: METHODS FOR THE DETECTION, QUANTIFICATION AND DIFFERENTIATION OF INFECTIOUS VERSUS NON-INFECTIOUS PATHOGENS IN A SAMPLE

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants herein respond to the restriction requirement dated January 24, 2002 (Paper No. 6). Applicants elect with traverse the claims of Group I (claims 1-8). Applicants, of course, reserve the right to file one or more divisional applications covering the subject matter of the non-elected claims.

Applicants traverse the restriction requirement on the grounds that the examiner has not demonstrated the requisite "serious burden" needed to justify a restriction requirement. See MPEP § 803(B) (August 2001) at 800-4. Given that claim 9 is dependent on the elected claims and claims 10-20 will be subjected to similar searches according to the examiner, applicants submit that there seems to be no serious burden on the examiner to examine all of the claims. Thus, applicants respectfully request examination of all of the claims, or at least the claims of Groups I and III.

A first office action on the merits is awaited.

Respectfully submitted,

John P. Isacson
Attorney for Applicant
Registration No. 33,715

Date: February 24, 2002

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